

o'clock, to-morrow, upon which the yeas and nays were taken and stood thus : yeas, 19 ; nays, 34.

So the House refused to adjourn.

On motion, the House adjourned until half-past 9 o'clock A. M., to-morrow.

AUSTIN, Thursday, February 3, 1853.

House met—roll called—quorum present.

Absentees—Messrs. Bee, Browder, Hartley, Hord, Howard, Johnson, Maverick, McFarland, Neal, Pollock, Reid, Stapp, Tarver, Titus and Westmoreland.

A message was received from the Senate informing the House that the Senate had passed

A bill for the relief of Antonio Menchaca ;

A bill to incorporate the Tyler and Corsicana railroad company ;

And had passed the following bills originating in the House :

A bill relating to the fiscal affairs of the late Republic of Texas :

A bill entitled an act to limit the Boards of Land Commissioners, and more clearly to define their duties ;

A bill to be entitled an act to incorporate the city of Brownsville ;

A bill to be entitled an act to create the county of Hill ;

A bill to be entitled an act to authorize the County Court of Comal county to levy and collect a special tax ;

A bill to be entitled an act repealing the second section of an act passed on the tenth day of February, 1852, changing the name of Antoinette Scott and Sidney Way to that of Devcreaux ;

A bill to amend an act to create the county of Hidalgo ; and that they had instructed the Secretary of the Senate to request the House of Representatives to return to the Senate, a bill to be entitled an act to create the counties of Cameron, Hidalgo, Starr, Webb, San Patricio, Presidio and El Paso into separate land districts.

Mr. Tankersley moved a suspension of the rules regulating the general order of business, in order to take up and consider the Senate's bill to incorporate the Andrew Female College ; carried, and bill read first time.

On motion of Mr. Wren, the rule was suspended, bill read second time.

Mr. Hamilton offered the following amendment:

Add the name of C. G. Keenan to the trustees of said college; adopted, and bill passed to a third reading.

On motion, rule further suspended, bill read third time and passed.

Mr. Patrick presented the petition of Zoraster Robinson; referred to the committee on Private Land Claims.

Mr. Taylor, one of the committee on the Judiciary reported that they had examined a bill creating the Fourteenth Judicial District of the State, and defining the time of holding the Courts therein; and return the same to the House with the following amendment, and recommend its passage:

Add, "Fannin" in first section after "Grayson."

Strike out all of second section after the words "no longer" in 15th line, and insert "in the county of Fannin on the 6th Mondays after the 1st Mondays in April and October and may continue in session two weeks and no longer."

In the county of Collin on the 8th Mondays after the 1st Mondays in April and October, and may hold one week and no longer.

In the county of Dallas on the 9th Mondays after the 1st Mondays of April and October, and may continue in session two weeks."

A motion was made to suspend the rule in order that the bill and report might be taken up for consideration; upon which the yeas and nays were taken and stood as follows:

YEAS—Messrs. Andrews, Bryan of B., Crockett, Doom, Dunlap, Evans of P., Fields, Hamilton, Hord, Mabry, McDade, McFarland, Patrick, Rossey, Speights, Stapp, Stewart, Tankersly, Taylor of F., Throckmorton and Turner—21.

NAYS—Messrs. Speaker, Cannon, Charlton, Crabb, Daggett, Evans of B., Evans of A., Flanagan, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Johnson, Jowers, Maverick, Neighbors, Palmer, Rains, Randolph, Rowe, Runnels, Scott, Sims, Taylor of H., Thomson, White and Wren—28.

So the House refused to suspend the rule.

Mr. Runnels moved to suspend the rule in order to take up and consider a bill to incorporate the Memphis, El Paso and Pacific railroad company; lost.

Mr. Scott, chairman of the committee on Public Debt, reported that said committee had examined the petition of John B. Houghtaling for pay for goods lost on the Santa Fe expedition, and that not deeming it expedient to grant the prayer of the petitioner, recommended its rejection.

Mr. McFarland, one of the committee on Private Land Claims, No. 1, reported that they had examined a bill to be entitled an act for the relief of the heirs of Elizabeth Jones, deceased, and return the same back to the House and ask to be discharged from its further consideration.

Mr. Tankersly, chairman of the committee on Enrolled Bills, reported that they had examined an act for the relief of H. P. Chamberlin, deceased, with the signature of the Speaker of the House and President of the Senate, was, on the second instant, presented to his Excellency the Governor for his approval.

They had also examined an act to incorporate the town of Mount Vernon in Titus county, originating in this House, and find the same correctly enrolled.

Report accepted.

Mr. Throckmorton moved to suspend the rule in order to take up a bill relating to land in Peters' colony; lost.

Mr. Fields moved to suspend the rule in order to take up a bill originating in the Senate, making an appropriation for rivers; lost.

The Select committee made the following report:

HOUSE OF REPRESENTATIVES, }
February 2, 1853. }

Hon D. C. DICKSON:

The Select committee to whom was referred a memorial from the Medical Convention recently held in the city of Austin, have had the same under consideration, and believing the objects prayed for in the memorial are laudable, and that every thing reasonable should be granted the medical profession of the State that has for its end the promoting of medical science. Your committee have drawn up a bill embracing the wishes of the memorialists, and herewith report the same back to the House and respectfully recommend its passage.

(Signed)

JAMES W. THROCKMORTON,
W. G. W. JOWERS,
JOSEPH TAYLOR.

A message was received from the Senate, informing the House that the Senate had passed

A bill to be entitled an act explanatory of the act entitled an act for the relief of certain persons formerly prisoners in Mexico, originating in the House; and

That the Senate had concurred in the amendments of the House to a bill to incorporate the Andrew Female College.

BILLS AND RESOLUTIONS.

Mr. Dunlap introduced a bill to be entitled an act concerning Weights and Measures; bill read first time.

Mr. Mabry moved a suspension of the rule in order to take up a bill to incorporate the Bastrop Academy; lost.

A bill to be entitled an act to establish the New Orleans, Texas and Pacific railroad company, not having been disposed of when the House adjourned on yesterday, again came up for consideration.

Mr. Speights proposed the following as a substitute to Mr. Doom's amendment, which was accepted:

After the name of N. B. Charlton insert "Thomas S. McFarland and William Neyland."

The question was then taken on the adoption of the amendment as substituted, and lost.

Mr. Hartley then offered the following amendment:

At the end of 20th section as reported by committee, insert: "or this charter shall be null and void."

When Mr. Neighbors moved the previous question.

The question was then put—will the House order the main question? upon which the yeas and nays were taken and stood, yeas 33, nays 19.

So the House ordered the main question.

The main question being the engrossment of the bill, the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Speaker, Camp, Cannon, Charlton, Crockett, Dagget, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hamilton, Hardeman of C., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Mabry, Maverick, McFarland, Neighbors, Patrick, Rains, Randolph, Rowe, Speight, Stapp, Taylor of F., Taylor of H., and Thomson—31.

NAYS—Messrs. Andrews, Bee, Bryan of B., Browder, Doom, Dunlap, Fields, Hartley, Hardeman of N., Hord, McDade, Palmer, Reid, Runnels, Scott, Sims, Stewart, Tankersly, Throckmorton, Turner, White and Wren—22.

So the House ordered the bill to be engrossed.

A message was received from the Senate informing the House that the Senate had passed

A bill to be entitled an act to erect the counties of Cameron, Hidalgo, Starr, Nueces, San Patricio, Webb and Presidio and El Paso into separate land districts.

A bill for the relief of the inhabitants of Presidio de San Elizario in El Paso county.

A bill to be entitled an act to give certain civil and criminal jurisdiction to the Mayor of the town of Washington.

A bill to be entitled an act to incorporate the Mount Enterprise Male and Female Academy.

A bill to be entitled an act to define the time of holding the District Courts in the tenth judicial district; all of which originated in the House.

A motion was then made to suspend the rule in order that the bill might be read a third time; carried.

When Mr. Hartley offered the following amendment:

In 20th section as reported by the committee, 4th line, strike out "fifty," and insert "twenty-five," and to the end of the same section, "or this charter shall be null and void;" adopted.

Mr. Runnels proposed the following amendment:

Strike out "Pacific" wherever it occurs in the bill.

Mr. Charlton moved to lay the amendment on the table, upon which the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Speaker, Andrews, Charlton, Crabb, Crockett, Dagget, Edwards, Evans of B., Evans of A., Evans of P., Fields, Flanagan, Hamilton, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Reid, Rossy, Rowe, Speights, Tankersley, Taylor of H., Thomson, Throckmorton and Turner—40.

NAYS—Messrs. Bee, Bryan of B., Browder, Camp, Doom, Johnson, Neal, Runnels, Sims, Stapp and White—11.

So the amendment was laid on the table.

Mr. Edwards offered a substitute for the original bill.

Mr. Flanagan moved to lay the substitute offered by Mr. Edwards on the table, upon which the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Speaker, Andrews, Cannon, Charlton, Crabb, Daggett, Evans of B., Evans of A., Evans of P., Fields, Flanagan, Hamilton, Hartley, Hardeman of C., Jowers, Lawson, Mabry, Maverick, McFarland, Neighbors, Patrick, Randolph, Rowe, Sims, Stapp, Taylor of F., Thomson, Throckmorton, Turner and White—31.

NAYS—Messrs. Bee, Crockett, Doom, Edwards, Hardeman of N., Hord, Johnson, McDade, Neal, Palmer, Rains, Reid, Rossy, Runnels, Scott, Speights, Tankersley and Wren—17.

So the substitute was laid on the table.

Mr. Hord proposed the following amendment:

Strike out "Buckner H. Payne" wherever it occurs.

Mr. Flanagan moved to lay the amendment on the table; upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Browder, Cannon, Charlton, Crabb, Crockett, Daggett, Edwards, Evans of B., Evans of A., Evans of P., Fields, Flanagan, Hamilton, Hartley, Hardeman of C., Hooker, Johnson, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Rossy, Rowe, Sims, Speights, Stapp, Tankersley Tarver, Taylor of F., Taylor of H., Thomson, Throckmorton, Turner, White and Wren—47.

NAYS—Messrs. Doom, Hardeman of N., Hord, Neal, Reid and Runnels—6.

So the amendment was laid on the table.

Mr. Rossy proposed the following amendment:

"Strike out the names of all gentlemen incorporated that are members of the legislature."

On motion of Mr. Flanagan, the amendment was laid on the table.

Mr. Fields moved to reconsider the vote refusing to insert the names of Thomas S. McFarland and William Neyman.

Mr. Flanagan moved to lay that motion on the table; carried.

On motion of Mr. Flanagan, the main question was ordered.

The main question being the passage of the bill, upon which the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Cannon, Charlton, Crabb, Crockett, Dagget, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hamilton, Hartley, Hardeman of C., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Patrick, Pollock, Rains, Randolph, Runnels, Sims, Stapp, Tankersley, Taylor of F., Thomson, Throckmorton, Turner and Wren—39.

NAYS—Messrs. Bee, Doom, Fields, Hardeman of N., Hord, Neal, Reid, Rossy, Runnels, Scott, Speights and White—12.

So the bill was passed.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House:

A bill to be entitled an act incorporating the town of Richmond.

A bill to authorize Stephen P. Hollingsworth and his associates, to construct a bridge across the Sabine river.

A bill to be entitled an act to incorporate the Marshall railroad company.

A joint resolution instructing our Senators and requesting our Representatives to call the attention of the General Government of the United States, to the necessity now existing for a further treaty with the Republic of Mexico.

On motion, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

A message was received from the Senate, informing the House that the Senate had passed

A joint resolution relating to the volunteers called into the service by the Governor, with an amendment ;

A bill for the relief of Richard Rams ;

A bill to incorporate the Victoria and Indianola Plank and Turnpike company ;

A bill to incorporate the San Antonio College ;

A bill to incorporate the town of Columbus ; and,

Had passed a substitute for the bill regulating proceedings in the District Courts.

On motion of Mr. Hartley, the Senate's joint resolution proposing an amendment to the constitution was taken up, read a first time, and passed to a second reading.

The committee on Enrolled Bills, made the following report :

February 3, 1853.

To the Hon. Speaker of the House of Representatives :

The committee on Enrolled Bills instruct me to report to the House that

An act to incorporate the town of Mount Vernon, with the signatures of the Speaker and President of the Senate, was this day presented to his Excellency, the Governor, for his approval.

I am also instructed to report that said committee have examined the following acts originating in the House of Representatives :

An act to authorize the County Court of Comal county to levy and collect a special tax.

An act to amend an act to create the county of Hidalgo.

And an act repealing the second section of an act passed on the 10th day of February, 1852, changing the names of Antoi-

nette Scott and Sidney Way to that of Devereaux, and find the same correctly enrolled.

BENJ. F. TANKERSLEY.

Report accepted.

On motion of Mr. Tankersley, a bill regulating proceedings in the district courts of this State, was taken up, and the substitute proposed by the Senate read and adopted.

On motion of Mr. Crockett, a bill supplementary to an act relating to lands in Peters' Colony, approved February 10th, 1852, was taken up and read first time.

On motion, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

The committee on Engrossed Bills made the following report:

HOUSE OF REPRESENTATIVES, }
Austin, February, 3, 1853. }

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

A bill to be entitled an act relinquishing the title of the State to lots on Matagorda and St. Joseph Islands, in the possession of actual settlers; also,

An act to encourage the deepening of the Anahuac Pass at the mouth of the Trinity river, are correctly engrossed.

A. J. HOOD, Chairman.

Report accepted.

A bill to be entitled an act to provide for the investment of the special School Fund in the bonds of railroad companies incorporated by the State, was set apart as a special order of the day on Tuesday the 2nd instant, again came for consideration;

When Mr. Runnels moved to lay it upon the table; upon which the yeas and nays were taken and resulted as follows:

YEAS—Messrs. Andrews, Charlton, Crabb, Crockett, Doom, Dunlap, Edwards, Fields, Hamilton, Hardeman of N., Hooker, Hord, Rains, Reid, Runnels, Sims, Speights, Stapp, Tarver, Taylor of F., Westmoreland, White and Wren—23.

NAYS—Messrs. Speaker, Bee, Bryan of B., Camp, Cannon, Daggett, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., A. J. Hood, Jowers, Lawson, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Patrick, Pollock, Randolph, Rossy, Rowe, Scott, Tankersley, Throckmorton and Turner—30.

So the House refused to lay upon the table.

Mr. Fields, on leave of the House, withdrew his substitute proposed on yesterday for the amendment of Mr. Palmer.

Mr. Fields then proposed the following as an amendment to Mr. Palmer's amendment, which was accepted:

Insert after "against it," 14th line, the words, "each voter to be requested by the presiding officer at the time of depositing his ballot to vote upon this act."

Mr. Taylor of Fannin proposed the following amendment:

Strike out "at least one" in 3rd line, and insert, "in every newspaper printed in this State."

Mr. Stapp moved that the bill under consideration, together with the amendments, be postponed; that the same be submitted to the people, and be made the special order of the day for the first Monday in August next; upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Andrews, Bryan of B., Camp, Charlton, Crabb, Crockett, Doom, Dunlap, Edwards, Hamilton, Harde-
man of N., A. J. Hood, Hooker, Patrick, Pollock, Rains, Reid,
Runnels, Sims, Speights, Stapp, Tankersley, Tarver, Taylor of
F., Thomson, Westmoreland, White and Wren—28.

NAYS—Messrs. Speaker, Bee, Cannon, Daggett, Evans of B.,
Evans of A., Evans of P., Fields, Flanagan, Hartley, Harde-
man of C., Jowers, Lawson, Mabry, Maverick, McDade, Mc-
Farland, Neighbors, Palmer, Randolph, Rossey, Rowe, Scott,
Throckmorton and Turner—26.

So the motion prevailed.

Mr. Thomson moved a reconsideration of the vote just taken postponing the bill to provide for the investment of the special school fund in the bonds of railroad companies.

On motion of Mr. Tarver, a call of the House was ordered and made.

After some time, on motion, the call was suspended.

When Mr. Thomson withdrew his motion to reconsider.

On motion, Mr. Pollock was permitted to record his vote upon the motion to postpone the bill last under consideration.

Mr. Patrick moved to take up the Senate's bill to repeal an act relating to lands in Peters' Colony; refused.

Mr. Neighbors moved the appointment of a committee, to act with a like committee on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the two Houses of the Legislature had agreed to adjourn *sine die* on Monday the 7th instant; carried.

Messrs. Neighbors, Hord and Runnels were appointed said committee.

A message was received from the Senate informing the House that the Senate had passed

A bill to incorporate the Brownsville and Rio Grande railroad company;

A bill to prescribe the manner in which the Governor shall issue his proclamations;

A bill to permit Mary Stevens to adopt Nancy C. Harper as her heir;

A bill to incorporate the Chocolate Bridge Company;

A bill for the relief of James Wilson; and

A bill to authorize the sale of the unsold lots in the city of Austin and tract adjoining, originating in that body.

A bill to authorize the issuance of duplicate certificates of the Auditor and Comptroller of the State of Texas, amended in the Senate.

Amendments read and concurred in.

Mr. Fields in the chair.

A bill to create the tenth judicial district, amended in the Senate; amendments read and concurred in.

On motion of Mr. Hamilton, a bill supplementary to an act to provide for the erection of a State Capitol, with the report of the committee on Finance, proposing certain amendments thereto, was taken up; amendments read and adopted.

When Mr. Lawson proposed the following:

"Provided, that in the event of a division of the State that the sum of one hundred and seventy thousand dollars shall be appropriated for the erection of a Capitol in the Eastern division."

Mr. Hardeman of N., moved to lay the amendment upon the table, upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Camp, Crockett, Doom, Dunlap, Evans of B., Evans of A., Fields, Hartley, Hardeman of C., Hardeman of N., Hord, Mabry, Maverick, McDade, McFarland, Neighbors, Palmer, Patrick, Reid, Rossy, Stapp, Tankersley, Tarver, Thomson, Turner and White—30.

NAYS—Messrs. Cannon, Charlton, Daggett, Evans of P., Flanagan, Hamilton, A. J. Hood, Jowers, Lawson, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Speights, Taylor of F., Taylor of H., Throckmorton and Wren—20.

So the motion was laid upon the table.

The question then being the engrossment of the bill, the yeas and nays were taken thereon and stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Camp, Crockett, Doom, Dunlap, Evans of B., Evans of A., Fields, Hamilton, Hartley, Hardeman of C., Hardeman of N., Hord, Mabry, Maverick, McDade, McFarland, Neighbors, Reid, Ros-sy, Stapp, Tankersley, Tarver, Taylor of H., Thomson, Throck-morton, Turner and White—31.

NAYS—Messrs. Cannon, Charlton, Crabb, Dagget, Evans of P., Flanagan, A. J. Hood, Jowers, Lawson, Palmer, Patrick, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Speights, Tay-lor of F., and Wren—20.

So the bill was ordered to be engrossed.

On motion of Mr. Dickson, the rule was suspended, and the bill read a third time; the yeas and nays being taken on its final passage, stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Bryan of B., Camp, Crockett, Doom, Dunlap, Evans of B., Evans of A., Fields, Hamilton, Hartley, Hardeman of C., Hardeman of N., Hord, Mabry, Maverick, McDade, McFarland, Neighbors, Reid, Ros-sy, Stapp, Tankersley, Tarver, Taylor of H., Thomson, Throck-morton, Turner and White—31.

NAYS—Messrs. Cannon, Charlton, Crabb, Dagget, Evans of P., Flanagan, A. J. Hood, Jowers, Lawson, Patrick, Palmer, Pollock, Rains, Randolph, Rowe, Speights, Sims, Taylor of F., and Wren—19.

So the bill passed.

Mr. Cannon offered the following resolution:

Resolved, That when the House adjourns, it will adjourn un-til 7 o'clock, P. M.; and the roll being called, each member may call up a bill as his name is called, read, and laid upon the table one day for consideration.

On motion, the House adjourned until seven o'clock, P. M.

7 O'CLOCK, P. M.

House met—roll called; and there not being a quorum pres-ent,

Mr. Randolph moved an adjournment until 9 o'clock to-mor-row; lost.

A quorum appearing in the House,

Mr. Tankersley moved to take up a bill confirming the titles to lands in Fisher and Miller's Colony;

Which motion was, on motion of Mr. Flanagan, laid upon the table.

Mr. Fields offered the following resolution:

Resolved, That for the balance of the session, the roll of

members shall be called in alphabetical order, and each member, as his name is called, allowed to have a general or special bill taken up and disposed of;

Which, on motion of Mr. Flanagan, was laid upon the table.

Mr. Tankersley then moved to take up a bill for the relief of Margaret McCormick; lost.

A bill supplementary to an act granting to settlers on public domain, pre-emption privileges, amended in the Senate, was read;

When Mr. Tankersley moved to lay the bill upon the table; which motion was lost by a vote of 29 nays to 16 yeas.

A motion was then made to adjourn until half-past 9 o'clock to-morrow and lost.

Mr. Hartley then moved to postpone the further consideration of the bill until 11 o'clock on Saturday the 5th instant, and that it be made the special order for that hour; the yeas and nays were taken thereon, but no quorum voting.

On motion of Mr. Scott, the House adjourned until half-past 9 o'clock to-morrow morning.

AUSTIN, February 4, 1853.

House met—roll called—quorum present.

Absentees: Messrs. Bee, Bryan of B., Camp, Hartley, A. J. Hood, Hooker, Hord, Pollock, Reid, Sims and Stapp.

PETITIONS.

Mr. Taylor of Fannin presented the petition of sundry citizens, praying that a certain portion of the public domain be attached to the Cook Land District, which, on motion, was referred to the committee on Public Lands.

Mr. Cannon moved a suspension of the rule regulating the general order of business, in order that the House might now proceed to the orders of the day; carried.

Mr. Flanagan, one of the committee on Engrossed Bills, reported that they had examined a bill to be entitled an act supplementary to an act to provide for the erection of a State Capitol, approved February 14, 1852; also,

A bill to establish the New Orleans, Texas and Pacific Railroad Company, for the extension of the New Orleans, Opelousas and Great Western Railroad through Texas, and found the same correctly engrossed; report accepted.